

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|---|---|------------------------|
| J. MICHAEL CHARLES; MAURICE W. |) | C. A. NO. 05-702 (SLR) |
| WARD, JR.; and JOSEPH I. FINK, JR., on |) | (Lead Case) |
| behalf of themselves and all others similarly |) | |
| situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| PEPCO HOLDINGS, INC; CONECTIV, and |) | |
| PEPCO HOLDINGS RETIREMENT PLAN, |) | |
| |) | |
| Defendants. |) | |

STIPULATION AND [PROPOSED] ORDER MODIFYING BRIEFING SCHEDULE

WHEREAS, plaintiffs and defendants entered into a stipulation and proposed order setting a briefing schedule for summary judgment motions on February 26, 2007 (D.I. 80), which the Court approved on March 5, 2007;

WHEREAS, defendants filed their motion for summary judgment on May 1, 2007 (D.I. 87), and plaintiffs' response, any cross-motion for summary judgment and any expert disclosures are currently due June 12, 2007;

WHEREAS, plaintiffs have requested an extension on their brief in opposition to defendants' motion, in support of any cross-motion and associated expert disclosures of one week, through and including June 19, 2007;

WHEREAS, the foregoing request is intended to accommodate the schedule of plaintiffs' principal counsel, James R. Malone, Jr., who is scheduled to argue before the United States Court of Appeals for the Sixth Circuit on June 7, 2007, *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America v. Ford Motor Co.*, No. 06-2064 (6th Cir.);

WHEREAS, the parties have conferred and agreed to modify the existing briefing schedule to accommodate counsel's schedule.

NOW THEREFORE, the parties hereby Stipulate and Agree (subject to Court approval), as follows:

1. Plaintiffs shall file their response to defendants' motion for summary judgment and any cross-motion for summary judgment on or before June 19, 2007. To the extent that plaintiffs rely upon expert evidence to oppose defendants' motion for summary judgment or to support a cross-motion, they shall furnish the disclosures required under Fed. R. Civ. P. 26(a)(2) with respect to their experts contemporaneously with the filing of their summary judgment opposition and any cross-motion.
2. Defendants shall file their reply in support of their summary judgment motion and their opposition to any cross-motion on or before July 19, 2007. To the extent that defendants rely upon additional expert evidence in connection with their reply, they shall furnish the disclosures required under Fed. R. Civ. P. 26(a)(2) with respect to their experts contemporaneously with their reply.
3. Plaintiffs shall file their reply in support of any cross-motion for summary judgment on or before August 20, 2007. To the extent that plaintiffs rely upon additional expert evidence in connection with their reply, they shall furnish the disclosures required with respect to their experts under Fed. R. Civ. P. 26(a)(2) contemporaneously with their reply.

Dated: June 5, 2007

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Dated: June 5, 2006

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[PROPOSED] ORDER

Approved and so Ordered this day of , 2007.

BY THE COURT:

Sue L. Robinson
Chief U.S. District Judge